

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CLO VIRTUAL FASHION INC.,

Plaintiff,

v.

ZHEJIANG LINGDI DIGITAL
TECHNOLOGY CO., LTD. *d/b/a*
LINCTEX,

Defendant.

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CASE NO. 2:23-CV-00274-JRG-RSP

ORDER

Previously, Plaintiff CLO Virtual Fashion Inc. (“CLO”) filed its Motion for Partial Summary Judgment (the “Motion”). (Dkt. No. 109.) In the Motion, CLO moves to foreclose Defendant Lintex’s (“Lintex”) defenses of ineligible subject matter under 35 U.S.C. § 101 and anticipation under 35 U.S.C. § 102. (*Id.* at 20.) Judge Payne entered a Report and Recommendation, recommending that the Motion should be granted-in-part as to Lintex’s ineligible subject matter defense but otherwise denied. (Dkt. No. 289.) Lintex has now filed its Objections. (Dkt. No 296.)

Having conducted a *de novo* review of the briefing on the Motion, the Report and Recommendation, and the briefing on the Objections, the Court agrees with the reasoning provided within the Report and Recommendation. The Court also finds that the Objections have not shown that the Report and Recommendation is erroneous. Accordingly, the Court **OVERRULES** Lintex’s Objections (Dkt. No. 296) and **ADOPTS** the Report and Recommendation (Dkt. No. 289). The Court further **ORDERS** that the Motion (Dkt. No. 296) is **GRANTED** as to the ineligible subject matter defense under 35 U.S.C. § 101 but is otherwise **DENIED**.

So ORDERED and SIGNED this 21st day of July, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE